

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
SEPTEMBER 5, 2006
7:00 P.M.**

ROLLCALL Answering rollcall were Members Housh, Hulbert, Masica, Swenson and Mayor Hovland.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Hulbert and seconded by Member Swenson approving the Council Consent Agenda as presented with the exception of Agenda Item V.A. 2006 Sump Pump and Storm Sewer Improvements: Contract No. ENG 06-8, Improvement No's. STS-309, 311, 327, 328, 329, 330 and 331; Agenda Item V.C. Reject Bid - Flow Rider - Edina Aquatic Center; and Agenda Item VI.G. Gym Construction Change Orders; and Agenda Item VI.G. Gym Construction Change Orders.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

CONSTITUTION WEEK PROCLAIMED - SEPTEMBER 17-23, 2006 Mayor Hovland proclaimed September 17 - 23, 2006, as Constitution Week in the City of Edina and urged citizens to study the Constitution and reflect on the privilege of being an American.

Member Housh made a motion proclaiming September 17-23, 2006, as Constitution Week in the City of Edina. Member Swenson seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

PROCLAMATION OF WELCOME - CITY OF TAIAN THE PEOPLE'S REPUBLIC OF CHINA Mayor Hovland proclaimed September 6, 2006, as Taian China Day in Edina. He welcomed residents from Taian and encouraged open communications between the two different cultures.

The Council unanimously welcomed residents of the City of Taian, The People's Republic of China.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

***MINUTES OF THE REGULAR MEETING OF AUGUST 15, 2006, AND SPECIAL MEETING OF AUGUST 15, 2006, APPROVED** Motion made by Member Hulbert and seconded by Member Swenson approving the Minutes of the Regular Meeting of August 15, 2006, and Special Meeting of August 15, 2006, as presented.

Motion carried on rollcall vote - five ayes.

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***HEARING DATE SET OF SEPTEMBER 19, 2006, FOR PLANNING MATTER** Motion made by Member Hulbert and seconded by Member Swenson setting September 19, 2006, for hearing date for the following Planning matter:

1. **Final Development Plan and Preliminary Plat - REC, Inc., Hills of Braemar, Woodview Court.**

Motion carried on rollcall vote – five ayes.

ORDINANCE NO. 2006-05 ADOPTED – AN ORDINANCE AMENDING SECTION 1235, TEMPORARY PARKING PERMITS Manager Hughes indicated that the Council granted First Reading of Ordinance No. 2006-05 permitting temporary parking permits to guests/visitors of residential units within the 50th & France area, at the August 15, 2006, meeting. Mr. Hughes stated he had revised the ordinance and provided a revised copy to the 50th & France Business Association. Mr. Hughes reported no comments had been received to date.

Council briefly discussed the proposed ordinance. **Member Masica made a motion to grant Second Reading to Edina Ordinance No. 2006-5 amending Section 1235, Temporary Parking Permits of the Edina City Code.** Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

Gene Haugland, 5229 West Highwood Drive, gave an update on the project at 50th and France.

CONCERN OF RESIDENTS No one appeared to speak.

BID REJECTED FOR 2006 SUMP PUMP AND STORM SEWER IMPROVEMENTS: CONTRACT NO. ENG. 06-8, IMPROVEMENT NOS: STS-309, 311, 327, 328, 329, 330 AND 331 AND TO BE RE-BID Engineer Houle removed the award of bid for the 2006 sump pump and storm sewer improvements for further information. He explained bids were opened recently and an irregularity was discovered in the bid. Staff recommended re-bidding the improvement project.

Member Swenson made a motion rejecting the 2006 sump pump and storm sewer improvements and to re-bid the project for ENG. 06-8. Member Housh seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

***AWARD OF BID FOR CENTRUM ROOF REPAIR FOR CENTENNIAL LAKES PARK** Motion made by Member Hulbert and seconded by Member Swenson for award of bid for the Centrum Roof Repair for Centennial Lakes Park to recommended low bidder, Dalco, Inc., at \$23,259.60.

Motion carried on rollcall vote – five ayes.

BID REJECTED FOR FLOW RIDER FOR THE EDINA AQUATIC CENTER Member Masica asked for more information on the request to reject the Flow Rider bid for the Edina

Aquatic Center. Assistant Direct MacHolda gave background on the reason he was recommending rejection of the bid. **Member Swenson made a motion to reject the bid for the 'Flow Rider' amenity at the Edina Aquatic Center.** Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

PUBLIC HEARING FOR TEMPORARY INTOXICATING LIQUOR LICENSE FOR EDINA CHAMBER OF COMMERCE APPROVED Affidavits of Notice were presented, approved and ordered placed on file. Mr. Hughes disclosed his past officio status with the Chamber of Commerce.

Chief Siitari stated staff recommended approval of the requested temporary On-Sale Intoxicating Liquor License to the Edina Chamber of Commerce. He reported the Chamber had submitted the necessary application, fees and insurance for their annual Taste of Edina event scheduled for October 12, 2006, at Southdale Center. He said the Chamber has run the event in the past with no public safety issues.

Motion made by Member Swenson and seconded by Member Housh closing the public hearing.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

Member Housh made a motion approving the Temporary Intoxicating Liquor License for the Edina Chamber of Commerce for the Taste of Edina on October 12, 2006. Member Masica seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

TEMPORARY 3.2 BEER LICENSE FOR OUR LADY OF GRACE CHURCH APPROVED

Mr. Hughes stated Our Lady of Grace Church has applied for a temporary beer license for their annual Fall Festival to be held October 9, 2006. He reported Our Lady of Grace filed the necessary applications, insurance and paid their fee, noting the Church has held this event annually for several years without incident. **Motion made by Member Swenson granting a temporary beer license to Our Lady of Grace Church for their annual Fall Festival on October 9, 2006.** Member Masica seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2006-83 ESTABLISHING A TEMPORARY DISPENSARY FOR WINE AND BEER APPROVED FOR "FALL INTO THE ARTS FESTIVAL"

Mr. Hughes said the Edina Art Center and Edina Crime Fund have sold beer and wine at their "Fall into the Arts Festival" held annually in September at Centennial Lakes. He reported State Liquor Control will allow the Council to approve an ongoing "Temporary Dispensary" for the festival by adopting a resolution one time. **Member Masica made a motion to adopt Resolution No. 2006-83 establishing a temporary dispensary allowing the service of wine and beer**

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annually at the Edina Fall into the Arts Festival held at Centennial Lakes Park. Member Swenson seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

***RESOLUTION NO. 2006-85 ADOPTED SETTING OCTOBER 3, 2006, SPECIAL ASSESSMENT PUBLIC HEARING** Motion made by Member Hulbert and seconded by Member Swenson adopting Resolution No. 2006-85 setting the Special Assessment Public Hearing date on October 3, 2006, for the 2006 project to be assessed.

Motion carried on rollcall vote – five ayes.

***RESULTS OF THE CRESTON HILLS LIGHTING AND SIDEWALK SURVEY PRESENTED** Mr. Houle reported the results of the Creston Hills Lighting and Sidewalk Survey. He stated the resulted indicated there was no support throughout the neighborhood for either project. Following a Council discussion, **Member Hulbert made a motion not to proceed with setting a public hearing for Creston Hills lighting and sidewalk due to non-support by residents.** Member Masica seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2006-82 ACCEPTING VARIOUS DONATIONS Mayor Hovland explained in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations.

Member Swenson introduced Resolution No. 2006-82 and moved its adoption. Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

CHANGE ORDERS FOR GYM CONSTRUCTION APPROVED Member Masica asked for additional information regarding the change orders for the gym construction. Director Keprios introduced Jeremy Larson, Construction Manager for Kraus-Anderson who explained what has happened to cause the change orders. Mr. Keprios and Council Member Housh both added to the explanation.

Member Masica made a motion approving the Gymnasium Construction Change Orders as follows: Atomic Sheetmetal at \$12,038.00; Camelot Metals at \$4,259.00; Camelot Metals at \$557.00; Kellington at \$3,500.00; Electric Resource Contractors at \$3,188.18. Member Swenson seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

“IN EDINA” VIDEO MAGAZINE DEMONSTRATED Director Bennerotte presented a proposal for a monthly thirty-minute video magazine to be played on Edina Community Channel 16, “In Edina”. Ms. Bennerotte presented a demonstration of the pilot proposed to air in mid-September. She explained the cost of each production was estimated to be around \$500. Council discussion of the proposal included: some concern over the proposed setting at

private business and with the concept of the cable magazine, the benefit of communication with residents. **Member Masica made a motion approving the concept of "In Edina" a new video magazine program for Community Channel 16.** Member Housh seconded the motion.

Ayes: Housh, Masica, Swenson, Hovland

Nays: Hulbert

Motion carried.

***CONFIRMATION OF CLAIMS PAID** Member Hulbert made a motion and Member Swenson seconded the motion approving payment of the following claims as shown in detail on the Check Register dated August 16, 2006, and consisting of 36 pages: General Fund \$167,996.27; Communications Fund \$3,473.30; Working Capital Fund \$58,368.37; Construction Fund \$455,775.18; Art Center Fund \$6,384.12; Golf Dome Fund \$989.36; Aquatic Center Fund \$5,172.47; Golf Course Fund \$56,573.05; Ice Arena Fund \$51,446.22; Edinborough/Centennial Lakes Fund \$32,036.82; Liquor Fund \$131,278.02; Utility Fund \$1,236,182.97; Storm Sewer Fund \$52,426.87; Recycling Fund \$37,458.00; PSTF Agency Fund \$801.33; TOTAL \$2,296,362.35; and for approval of payment of claims dated August 22, 2006, and consisting of 32 pages: General Fund \$78,547.93; Communications Fund \$31.13; Working Capital Fund \$4,545.06; Construction Fund \$2,155.85; Art Center Fund \$13,496.54; Aquatic Center Fund \$2,633.74; Golf Course Fund \$50,204.72; Ice Arena Fund \$1,209.54; Edinborough/Centennial Lakes Fund \$12,158.45; Liquor Fund \$152,660.95; Utility Fund \$23,917.67; Storm Sewer Fund \$723.21; PSTF Agency Fund \$452.63; TOTAL \$342,737.42; and for approval of payment of claims dated August 29, 2006, and consisting of 31 pages: General Fund \$265,847.20; Communications Fund \$39,791.16; Working Capital Fund \$45,783.96; Construction Fund \$10,095.20; Art Center Fund \$2,208.36; Golf Dome Fund \$1,058.35; Aquatic Center Fund \$15,871.32; Golf Course Fund \$22,059.53; Ice Arena Fund \$1,723.40; Edinborough/Centennial Lakes Fund \$25,072.50; Liquor Fund \$178,666.40; Utility Fund \$58,949.60; Storm Sewer Fund \$13,967.46; Recycling Fund \$3,000.00; PSTF Agency Fund \$320.87; TOTAL \$684,415.31.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2006-84 APPROVED - SETTING MAXIMUM TAX LEVIES Mr. Hughes indicated that setting the maximum tax levy was the next step in the process for the 2007 budget which was used for calculations of parcels specific for truth in taxation notices that are sent out later in the fall. Following the truth in taxation hearings in December, the Council certifies the actual levy which cannot exceed the maximum levy that was set by the Council. The maximums are based on the budget as previously reviewed.

Mr. Hughes recommended adoption of Resolution No. 2006-84 setting the maximum proposed 2007 tax levies of \$19,427,890 for the General Fund, \$1,080,100 for the debt service of the Housing and Redevelopment Authority Public Project Revenue bonds Series 2002, and \$417,400 for the debt service of the Housing and Redevelopment Authority Public Project Revenue Bonds Series 2005A. He concluded that last year's debt payment of \$150,100 for the levy for debt service of equipment certificates of indebtedness would be paid out of 2005 reserves. The budget would also use 2005 reserves in the amount of \$300,000 to fund the one time costs of the comprehensive plan of the same amount. The total market value based referendum levy would be set at \$605,138 or at 3.41%.

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Member Swenson introduced Resolution No. 2006-84 and moved its adoption. Member Housh seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

DECEMBER 4, 2006, DATE SET FOR TRUTH IN TAXATION HEARING After reviewing the potential dates for the City's Annual Truth In Taxation hearing and acknowledging that the City of Edina would not need to hold the hearing due to its low levy increase **Member Hulbert made a motion setting Monday December 4, 2006, at 5:00 P.M. for the initial Truth in Taxation hearing, Monday December 11, 2006, at 5:00 P.M., for the continuation hearing, and Tuesday December 19, 2006, at 7:00 P.M. for the budget adoption.** Member Swenson seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 9:45 P.M.

Respectfully submitted,

City Clerk